

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOT FOR PUBLICATION

ALEXANDER NINO GONZALEZ,

Plaintiff,

-against-

MEMORANDUM AND ORDER

15-CV-00825 (KAM) (LB)

DETECTIVE DANIEL TORO, Tax No.:
902482,

Defendant.

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ALEXANDER NINO GONZALEZ,

Plaintiff,

-against-

15-CV-02961 (KAM) (LB)

CHRISTOFER SHAHNOON, *ICE NYC*
District, JEH JOHNSON, *Secretary*
of Department of Homeland
Security, LORETTA LYNCH, *Attorney*
General of the U.S.A.,

Defendants.

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MATSUMOTO, United States District Judge:

Before the court is a Report and Recommendation (ECF No. 26, Report and Recommendation ("R&R")) from Magistrate Judge Bloom recommending that the court dismiss plaintiff Alexander Nino Gonzalez's two actions, with prejudice, for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The R&R instructed that any objections to the R&R be submitted within fourteen (14) days of service of the R&R. (See ECF No. 26, R&R at

4.) Plaintiff was served the R&R on September 2, 2016, and accordingly, the date for filing any objections has since expired. Plaintiff has not filed any objection to the R&R, and for the reasons set forth below, the court adopts the thorough and well-reasoned R&R in its entirety and dismisses plaintiff's complaint in its entirety.

Plaintiff Alexander Nino Gonzalez, proceeding *pro se*, commenced the action captioned 15-cv-00825 on February 13, 2015, against defendants Judge Roger F. Sagerman ("Sagerman"), former Consul General Elsa Gladys Cifuentes Aranzazu ("Cifuentes-Aranzazu"), and Detective Daniel Toro ("Toro"), alleging a series of constitutional violations that occurred in connection with plaintiff's state criminal proceedings and consequent deportation proceeding. (No. 15-cv-00825, ECF No. 1, Complaint.) On February 26, 2015, the court granted plaintiff leave to proceed *in forma pauperis*, dismissed his complaint in 15-cv-00825 against defendants Sagerman and Cifuentes-Aranzazu, but granted him leave to proceed against defendant Toro. (No. 15-cv-00825, ECF No. 5, Order.)

Plaintiff commenced the action captioned 15-cv-02961 on May 19, 2015, against defendants Christofer Shahnoon ("Shahnoon"), Jeh Johnson ("Johnson"), and Loretta Lynch ("Lynch"), alleging violations of his constitutional rights. (No. 15-cv-02961, ECF No. 1, Complaint.) On October 16, 2015, the court dismissed his

complaint in 15-cv-02961 against Shahnoon, Johnson, and Lynch, but granted plaintiff leave to amend his complaint. (No. 15-cv-02961, ECF No. 10, Memorandum and Opinion.) Plaintiff has not filed an amended complaint in the action.

While under the pretrial supervision of Magistrate Judge Bloom, plaintiff failed to contact the court pursuant to several court orders. (See No. 15-cv-00825, ECF Nos. 22 and 25; *see also* No. 15-cv-02961, ECF Nos. 13 and 14.) After unsuccessful attempts to reach plaintiff at multiple addresses, Magistrate Judge Bloom issued the R&R, recommending that both cases be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. The court's R&R, which was mailed to plaintiff, was not returned to the court as undeliverable. Plaintiff has not submitted any objections to the R&R.

A district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge" in an R&R. 28 U.S.C. § 636(b)(1)(C). Where no objections are made, the court may adopt the R&R without *de novo* review, *see Thomas v. Arn*, 474 U.S. 140, 150 (1985), and need only review for clear error on the face of the record. *See Fed. R. Civ. P. 72(b); Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005).

The court has reviewed the unopposed R&R for clear error and, finding none, the court adopts the R&R in its entirety

pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the cases no. 15-cv-00825 and no. 15-cv-02961 are dismissed pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to serve a copy of this Memorandum and Order on plaintiff at each of his two addresses on the docket, note service on each docket, and close both cases.

SO ORDERED.

Dated: April 26, 2017
Brooklyn, New York

_____/s/_____
Hon. Kiyo A. Matsumoto
United States District Judge